



Gina Maisto Smith

Chair, Institutional Response Group

Philadelphia

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Practice Areas

- Institutional Response Group
- Environmental, Social & Governance

Industry Sectors

- Education

Education

- Temple University—James E. Beasley School of Law, J.D., 1987
- St. Joseph's University, B.A., 1983

Bar Admissions

- Pennsylvania

Awards & Honors

- Philadelphia Business Journal 2021 Women of Distinction
- Chambers USA, 2024

Gina is the chair of Cozen O'Connor's Institutional Response Group and the founder of the nation's first practice dedicated to the institutional response to sexual and gender-based harassment, violence, child abuse, elder abuse, other forms of discrimination and harassment, workplace misconduct, and criminal conduct. Gina provides consulting, counseling, and legal advice on all aspects of the institutional response to misconduct. She assists institutions in designing effective institutional responses that integrate the complex federal and state regulatory framework with the unique dynamics of interpersonal misconduct and its impact on individuals, institutions, and communities. Gina is frequently called upon to advise institutional clients including presidents, boards, senior management, and counsel on the intersection of trauma-informed, fair, and impartial processes with the intersecting legal landscape. Integrating her more than 30 years of experience in root cause analysis of educational institution issues, Gina founded the first coordinated incident response management software built on the Salesforce platform. Meyestro efficiently orchestrates centralized and coordinated institutional responses that provide a 360-degree view to inform whole community care and compliance.

Gina is known for adeptly integrating the complexities of criminal, civil, regulatory, and institutional processes with a keen understanding of the unique psychological and cultural considerations attendant to sexual, gender-based, and interpersonal misconduct in the institutional setting. She regularly advises educational and child-serving institutions including public and private K-12 schools, colleges and universities, private industry, public companies, government entities and nonprofit organizations about policies, changes in the law, and investigations into allegations including child abuse and sexual misconduct, including sexual violence. She conducts investigations into individual conduct and institutional responses, audits policies, procedures and practices, and performs culture and implementation assessments. Gina also has experience conducting root cause analyses for clients in the health care setting. She routinely assists institutions in the development of policy, design of systems, and implementation of operating procedures for effective internal and external responses. She also provides advice and training for boards, senior leadership, employees, K-12 administrators and multiple higher education constituents, including Title IX coordinators, athletic departments, Human Resources, student and faculty affairs professionals, sexual assault response teams, judicial hearing boards, and investigators.

Gina assists clients with the development of comprehensive policies, procedures, systems, and training programs in compliance with Title IX, Title VII, the Clery Act, as amended by the Violence Against Women Reauthorization Act of 2013, and state and local laws and regulations. Gina serves as an adviser to campus task forces and working groups, legislatures and attorneys general; consults and advises on Title IX investigation adjudication, and appeal proceedings; and assists educational institutions in meeting federal compliance obligations and responding to investigations by the Office for Civil Rights (OCR) and the Clery Compliance Division. She served on the training subcommittee of the U.S. Department of Education's Negotiated Rulemaking Committee for the Reauthorization of the Violence Against Women Act and has been designated as an approved equity consultant by OCR.

In addition to her extensive work on sexual assault and interpersonal violence, Gina is nationally recognized for her knowledge and experience related to child sexual and physical abuse, child protection, and child protective services laws. She frequently advises clients in evaluating and

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responding to historical allegations of abuse in a legally informed and open and transparent manner designed to promote institutional values of child safety and welfare. Her experience includes several high-profile external investigations for clients including the Archdiocese of Philadelphia, health care institutions, daycare centers, summer camps, K-12 public and private schools, colleges, and universities. Gina conducts training and prevention programs on the identification and prevention of child abuse; provides child protection planning related to background checks, professional boundaries, physical plant, and mandatory reporter policies; coordinates internal investigations with child protective services and local, state, and federal law enforcement agencies; and conducts child abuse investigations and child protection audits.

Before entering private practice, Gina spent nearly two decades in the Philadelphia District Attorney's Office where she investigated numerous cases, handled more than 100 jury trials, and developed unmatched experience in the investigation and prosecution of sex crimes, child abuse, domestic violence and homicide cases. She also trained prosecutors, investigators, and police handling the most difficult aspect of sex crimes, child abuse, and domestic violence investigations.

As a senior attorney prosecuting child abuse and sex crimes, Gina provided education and training on pretrial investigation, case preparation, evaluating credibility, trial strategy, ethical issues, and the unique dynamics of sexual assault, intimate partner violence, child abuse, and stalking. She has a firm grasp on policy and law with respect to evaluating consent, prior acts, other crimes evidence, rape shield, physical and medical findings of abuse, forensic issues, alcohol-facilitated sexual assault, power differentials, and the impacts of relationships on reporting in the institutional setting.

Gina currently presents education and training programs and CLE programs at educational institutions and conferences across the country. She is a regular contributor to the Clery Center, National Association of College and University Attorneys (NACUA), College and University Police and Investigators Conference (CUPIC), Stetson University National Conference on Law and Higher Education, the Virginia Campus Safety Forum, University of Vermont Legal Issues in Higher Education Conference and the Pennsylvania Bar Institute. Prior speaking or CLE engagements include the Philadelphia District Attorney's Office, National Association of Student Personnel Administrators (NASPA), Association of American Universities, Association of Public and Land-grant Universities, National Association of Independent Schools (NAIS), Association of Delaware Valley Independent Schools, Headmistresses Association of the East, and United Educators. Recent publications include articles in the ABA's *Dispute Resolution Magazine* and *Penn State Law Review*, as well as a chapter in "Campus Sexual Assault Response Teams: Program Development and Operational Management."

Gina served for more than a decade as an adjunct professor at Temple University James E. Beasley School of Law and the University of Pennsylvania Law School. She has served as a mentor for second-year law students through the Temple Summer Professional Experience Curriculum, a domestic-violence protocol trainer at the Philadelphia Police Department, and as a guest speaker and mentor educating local high school, college, and law students about sexual assault, domestic violence, and legal career opportunities.

Gina is an adviser to the American Law Institute (ALI) Project on Sexual and Gender-Based Misconduct on Campus: *Procedural Frameworks and Analysis*. In addition to publishing several recent articles on Title IX and related issues, in June of 2016, Gina presented at the New York Times Higher Education Leaders Forum. Currently, Gina serves on the board of directors of the Support Center for Child Advocates and previously served on the board of directors for The Center for Excellence in Higher Education Law and The University of Pennsylvania's Field Center for Children's Policy, Practice and Research.

Gina was selected as a Women of Distinction honoree in 2021 by the *Philadelphia Business Journal*.

Gina was named as one of *Corporate Counsel's* 2019 Women, Influence & Power in Law honorees and was included among *The Business Journals' 2018 Influencers: Law* list. She has also been selected for inclusion in the *U.S. News Lawyer Directory*. Gina was recently named the Honorary Chair of Interact's 50th anniversary celebration. Interact is a non-profit human services agency which offers programs to community members in the areas of behavioral health, intellectual disabilities, and aging. She currently serves on the NACUA Program Committee for the 2020 Annual Conference. In 2016, Gina was inducted into the Temple University Gallery of Success showcasing inspirational Temple University alumni who have utilized the skills and knowledge learned at Temple to chart their own paths in their studied fields.

Gina received her undergraduate degree from Saint Joseph's University and her law degree from Temple University School of Law.